

### **REMARKS**

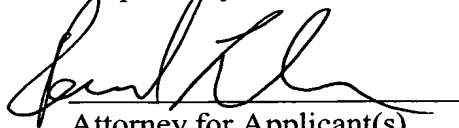
Claims 1, 6-9, 18, 22, 27-30 and 39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Boroson et al. (US 6,824,950). Claims 2-5, 10-17, 19, 23-26, 31-28 and 40 were objected to as being dependent upon a rejected base claim. Claims 20-21 and 41-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boroson et al. (US Pat. No. 6,824,950).

At the outset, applicants point out to the Examiner that the Boroson et al. was commonly assigned to The Eastman Kodak Company. It was filed on February 14, 2003 and was co-pending with the present application which was filed on November 14, 2003. Boroson et al. was published on August 19, 2004. Under 35 U.S.C. § 103(c), Boroson et al. is not a reference for obviousness rejection. Therefore, the rejection of claims 20-21 and 41-42 is believed to be inappropriate and the Examiner is asked to withdraw this rejection.

As the Examiner indicates, the 35 U.S.C. § 102(e) rejection using Boroson et al. can be overcome by an appropriate showing under 37 C.F.R. 1.131. Attached is a Rule 131 Declaration signed by Liang-Sheng Liao and a Rule 131 Declaration signed by Kevin P. Klubek. These Declarations clearly show that two devices which fully support claim 1, were reduced to practice prior to the filing date of the Boroson et al. application by Liang-Sheng Liao. The data for these devices are set forth in examples 4 and 5 of the present application.

In view of the foregoing, it is believed that Boroson et al. has been overcome as a reference and this case is now in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Enclosures:      Declarations Under Rule 1.131 (2)